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| 10/587,224      | 04/12/2007  | Johann Magg          | 2004P00160WOUS      | 6699             |

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BSH HOME APPLIANCES CORPORATION  
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| EXAMINER |
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TEATERS, LINDSEY C

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3742

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| NOTIFICATION DATE | DELIVERY MODE |
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12/10/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

|                              |                                       |                                    |  |
|------------------------------|---------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/587,224  | <b>Applicant(s)</b><br>MAGG ET AL. |  |
|                              | <b>Examiner</b><br>LINDSEY C. TEATERS | <b>Art Unit</b><br>3742            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10,13,14,16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10,13,14,16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 13-14 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The phrase "the at least one heating rod" in line 2 of claim 13 is broader than "two heating rods" recited in claim 10. Claim 14 is objected to as depending from claim 13.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 13-14 and 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 13 recites the limitation "the at least one heating rod" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 10 previously recites two heating rods.
5. Claim 18 is written as depending from claim 17, which claim has been cancelled upon amendment. It is unclear from which claim that claim 18 should depend.

***Response to Arguments***

6. Applicant's arguments with respect to claims 10, 13-14, 16, and 18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 10, 13-14, 18-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fanzutti et al (WO 03/030696 A), cited by applicant, in view of Hufnagl et al (US 5,367,607), cited by applicant, and Green (US 2004/0009281 A1).

Re claims 10, 13-14, and 18:

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Fanzutti et al teaches a coffee machine (10) for preparing coffee using coffee pads, which comprises a continuous heater (18) provided with a water-guiding pipe (140) that is thermally connected to two heating rods (142, 144) provided at opposite sides of the pipe (fig 4) by means of at least one contact surface, a pump (54) for transporting water through the continuous heater, the pipe has ends (136, 138) into which hose-like flexible tube connecting pieces (132, 134) of a water supply and exit can be inserted, securing means for securing the continuous heater on a housing of the coffee machine (connecting pieces connection to water supply is a securing means as well as components 120, 122, see fig 2), the pipe and the at least one heating rod are held together by a sleeve (120, 122), a temperature sensor (128) is disposed adjacent the sleeve, and holders (protrusions from 120, 122, or connecting pieces themselves) configured to receive additional components of the coffee machine.

Fanzutti et al fails to teach that the at least one contact surface between the pipe and the heating rods is flat. Hufnagl et al, however, teaches a beverage machine utilizing a heating rod (7) and a water transfer tube (6) wherein the contacting surface of the heating rod is flattened and solder (24) forms a flat contact surface with the water transfer tube (col. 4, lines 31-35, fig 1).

In view of Hufnagl et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a flat contact surface between the pipe and heating rods, taught by Fanzutti et al. The benefit of having a flattened contact surface is to maximize heat transfer where a two rounded surfaces or a rounded

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surface and a flat surface mating would not. Fanzutti et al teaches a perfectly mated, rounded contact surface, which conducts heat thoroughly, and fulfills the benefits of having a flat contacting surface equally well if not better, as more of the surface of the pipe may be contacted by the means shown in Fanzutti et al.

Fanzutti et al, modified by Hufnagl et al, fails to teach that the connecting pieces are made out of plastic. Green, however, teaches a connector piece (185, figure 1) of a hot beverage machine (100, figure 1) made of plastic (paragraph [0025]).

In view of Green's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize connecting pieces, taught by Fanzutti et al, as modified by Hufnagl et al, made of plastic. Plastic is an economical, flexible, high temperature resistant, and non-corrosive option for connecting pieces of coffee machines, which serves as an insulating material from the continuous heater.

Re claims 19-21 and 23:

Fanzutti et al teaches a coffee machine (10) for preparing coffee using coffee pads, the coffee machine comprising a continuous heater (18) provided with a water-guiding pipe (140), two heating rods (142, 144) provided on opposite sides of the pipe (fig 4) and thermally connected to the pipe by corresponding contact surfaces, a pump (54) cooperable with the continuous heater and transporting water through the continuous heater, wherein the pipe has ends (136, 138) into which hose-like flexible tube connecting pieces (132, 134) can be inserted and securing means for securing the

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continuous heater on a housing of the coffee machine (connecting pieces connection to water supply is a securing means as well as components 120, 122, see fig 2), the pipe and the at least one heating rod are held together by a sleeve (120, 122), a temperature sensor (128) is disposed adjacent the sleeve, and holders (protrusions from 120, 122, or connecting pieces themselves) configured to receive additional components of the coffee machine.

Fanzutti et al fails to teach that the at least one contact surface between the pipe and the heating rods is flat. Hufnagl et al, however, teaches a beverage machine utilizing a heating rod (7) and a water transfer tube (6) wherein the contacting surface of the heating rod is flattened and solder (24) forms a flat contact surface with the water transfer tube (col. 4, lines 31-35, fig 1).

In view of Hufnagl et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a flat contact surface between the pipe and heating rods, taught by Fanzutti et al. The benefit of having a flattened contact surface is to maximize heat transfer where a two rounded surfaces or a rounded surface and a flat surface mating would not. Fanzutti et al teaches a perfectly mated, rounded contact surface, which conducts heat thoroughly, and fulfills the benefits of having a flat contacting surface equally well if not better, as more of the surface of the pipe may be contacted by the means shown in Fanzutti et al.

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Fanzutti et al, modified by Hufnagl et al, fails to teach that the connecting pieces are made out of plastic. Green, however, teaches a connector piece (185, figure 1) of a hot beverage machine (100, figure 1) made of plastic (paragraph [0025]).

In view of Green's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize connecting pieces, taught by Fanzutti et al, as modified by Hufnagl et al, made of plastic. Plastic is an economical, flexible, high temperature resistant, and non-corrosive option for connecting pieces of coffee machines, which serves as an insulating material from the continuous heater.

10. Claims 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fanzutti et al (WO 03/030696 A), cited by applicant, in view of Hufnagl et al (US 5,367,607), cited by applicant, and Green (US 2004/0009281 A1), as applied to claims 10 and 19 above, and further in view of Buzzi (US 2003/0108343 A1).

Fanzutti et al, modified by Hufnagl et al and Green discloses the claimed invention as set forth above except that the connecting pieces are provided with seals. Buzzi, however, teaches inlet and outlet connectors (11', 12', figure 2A) provided with seals (paragraph [0055], see figure 2A).

In view of Buzzi's teachings, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize connecting pieces, taught by Fanzutti et al, as



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modified by Hufnagl et al and Green, that are provided with seals. It is generally appreciated in the art that connecting pieces are provided with seals, because they are used to connect lines of flowing gas or liquids. It is desirable to form air or water-tight seals such that the medium passing through does not leak.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LINDSEY C. TEATERS** whose telephone number is 571-270-5913. The examiner can normally be reached on Mon-Thur 8:30am-6:00pm :: alternating Fri 8:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LINDSEY C TEATERS/  
Examiner, Art Unit 3742

12/01/2009  
/TU B HOANG/  
Supervisory Patent Examiner, Art Unit 3742